

APPENDIX A

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2022-1117

Appeal from the United States Court of Federal Claims
in No. 1:21-cv-01295-SSS, Judge Stephen S. Schwartz.

Decided: May 10, 2022

AHMAD ALJINDI, Irvine, CA, pro se.

IGOR HELMAN, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for defendant-appellee. Also represented by BRIAN M. BOYNTON, ERIC P. BRUSKIN, PATRICIA M. MCCARTHY.

PER CURIAM.

Dr. Ahmad Aljindi appeals the final decision of the U.S. Court of Federal Claims dismissing his complaint for lack of jurisdiction. For the reasons below, we affirm-in-part, vacate-in-part, and remand.

BACKGROUND

On April 28, 2021, Dr. Aljindi filed a complaint *pro se* at the Court of Federal Claims. Dr. Aljindi sought \$32.7 million in damages for employment discrimination in addition to relief for “intellectual property and copyright[] law[] violations, negligence, and tort.” SAppx. 9.¹ The Government moved to dismiss Dr. Aljindi’s complaint for lack of subject matter jurisdiction and failure to state a claim.

The Court of Federal Claims agreed with the Government and dismissed Dr. Aljindi’s complaint. *See Aljindi v. United States*, No. 21-1295C, 2021 WL 4807205 (Fed. Cl. Oct. 15, 2021); SAppx. 1–3. The court interpreted Dr. Aljindi’s complaint as alleging three claims: (1) employment discrimination; (2) theft of his intellectual property;² and (3) negligence and tort based on the conduct described in his complaint for the first two claims. SAppx. 1. Additionally, after reviewing Dr. Aljindi’s brief in response to the Government’s motion to dismiss, the court noted that Dr. Aljindi’s lawsuit was really focused on his allegations of “judicial misconduct” in the U.S. District

¹ Citations to “SAppx.” refer to the Supplemental Appendix attached to the Government’s brief.

² Dr. Aljindi’s complaint does not mention patent infringement. As for a claim under federal copyright law, Dr. Aljindi’s complaint states that he seeks “\$32.7 [m]illion for [e]mployment [d]iscrimination [and m]aximum monetary [c]onstitutional [r]elief for the intellectual property and copyright[] law[] violations, negligence, and tort.” SAppx. 9. There is no other mention of copyright law.

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Court for the Central District of California and the U.S. Court of Appeals for the Ninth Circuit. SAppx. 2; *see also* SAppx. 8 (requesting the court “take formal notice of the ongoing judicial corruption, abuse, and torture in addition to [the Government’s] abuse and torture”). The court thus considered those claims as well.

Regarding the first claim, employment discrimination, the trial court explained that the Court of Federal Claims does not have jurisdiction over federal employment discrimination cases, i.e., it does not have the power to decide those cases. Rather, as the court explained, only federal district courts have jurisdiction over those claims. SAppx. 3 (quoting *Taylor v. United States*, 310 F. App’x 390, 393 (Fed. Cir. 2009) (“Because Title VII vests jurisdiction over discrimination claims exclusively in the district court, the Court of Federal Claims cannot exercise jurisdiction over those claims.”)).

The trial court explained that Dr. Aljindi’s second and third claims—intellectual property theft (not including claims of patent infringement or copyright infringement) and negligence and tort, respectively—are tort claims, a type of claim over which the court also lacks jurisdiction. SAppx. 2–3 (citing 28 U.S.C. § 1491(a)(1) (“The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States . . . for . . . damages in cases *not sounding in tort*.” (emphasis added))). The court also construed Dr. Aljindi’s intellectual property theft claim as a Fifth Amendment takings claim but determined that Dr. Aljindi had not provided sufficient facts in his complaint to support such a claim. Specifically, the court determined that Dr. Aljindi failed to specify in his complaint “what the property consisted of, how it was taken, and what the [G]overnment did with it.” SAppx. 3.

Finally, regarding Dr. Aljindi’s judicial misconduct allegations, the court explained that it “lacks authority to

review allegations of misconduct by judges on another court.” SAppx. 2 (citing 28 U.S.C. §§ 351, 363). It also considered Dr. Aljindi’s allegations that he had been denied relief in the Central District of California and Ninth Circuit. Citing our prior decision holding that the Court of Federal Claims “does not have jurisdiction to review the decisions of district courts . . . relating to proceedings before those courts,” *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994), the court explained that it likewise does not “have the power [i.e., jurisdiction] to review decisions” of either of these courts. SAppx. 2. And, in considering Dr. Aljindi’s allegations that the judicial misconduct involved criminal conduct or torts, the court explained that it lacks “jurisdiction over criminal matters,” SAppx. 2–3 (quoting *Jones v. United States*, 440 F. App’x 916, 918 (Fed. Cir. 2011)), as well as claims sounding in tort.

Dr. Aljindi appeals. We have jurisdiction under 28 U.S.C. § 1295(a)(3).

DISCUSSION

On appeal, Dr. Aljindi continues to seek \$32.7 million for employment discrimination, as well as constitutional relief for the alleged intellectual property and copyright law violations, negligence, and tort. Appellant’s Br. 3.³ The Court of Federal Claims dismissed these for lack of jurisdiction or, in the alternative, for failure to state a claim. We review the Court of Federal Claims’ dismissal for lack of jurisdiction *de novo*, i.e., without deference to the trial court. *Creative Mgmt. Servs., LLC v. United States*, 989 F.3d 955, 961 (Fed. Cir. 2021). We also review dismissal for failure to state a claim *de novo*. *Id.* And while we construe *pro se* filings like Dr. Aljindi’s liberally, that does

³ Because Dr. Aljindi’s opening brief on appeal includes numerous attachments, we use the pagination provided in the header of his brief.

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not alleviate Dr. Aljindi's burden to establish jurisdiction. *Henke v. United States*, 60 F.3d 795, 799 (Fed. Cir. 1995).

As the trial court correctly explained, its jurisdiction "is limited to specific types of claims against the federal government, most commonly claims for money as provided by the Tucker Act." SAppx. 1 (citing 28 U.S.C. § 1491(a)(1)). Specifically, the Tucker Act provides the Court of Federal Claims with "jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort." § 1491(a)(1).

Here, the Court of Federal Claims properly determined that it lacks jurisdiction over Dr. Aljindi's employment discrimination, tort (including negligence and intellectual property theft), and judicial misconduct claims. Regarding his employment discrimination claim, we have previously explained that only the district courts—which do not include the Court of Federal Claims—have jurisdiction over employment discrimination claims. *See Taylor*, 310 F. App'x at 393 ("Title VII vests jurisdiction over discrimination claims exclusively in the district court, [and] the Court of Federal Claims cannot exercise jurisdiction over those claims."). We therefore affirm the trial court's determination that it lacks jurisdiction to review Dr. Aljindi's employment discrimination claim.

Regarding Dr. Aljindi's tort claims, including his negligence and intellectual property theft claims, the Tucker Act specifically states that the Court of Federal Claims only has jurisdiction over claims against the United States in cases "not sounding in tort." § 1491(a)(1); *see Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997) ("The Court of Federal Claims is a court of limited jurisdiction. It lacks jurisdiction over tort actions against the United

States.”). As with employment discrimination claims, only the district courts have jurisdiction over tort claims against the United States. *See Awad v. United States*, 301 F.3d 1367, 1372 (Fed. Cir. 2002) (explaining that the “district courts have jurisdiction in suits against the United States for” tort claims under the Federal Tort Claims Act); *see also* 28 U.S.C. § 1346(b)(1). We therefore affirm the trial court’s determination that it lacks jurisdiction to review Dr. Aljindi’s tort claims, including negligence and intellectual property theft.

In its motion to dismiss for failure to state a claim, the Government explained that Dr. Aljindi’s complaint could be liberally construed as alleging “either a takings claim; a claim of patent or copyright infringement; or a trade secrets claim” over which the Court of Federal Claims would have jurisdiction. Appellant’s Br. 40 (reproducing Government’s motion to dismiss at the Court of Federal Claims). The Government argued that Dr. Aljindi’s complaint did not provide the minimum required factual allegations in his complaint to support these claims.

The trial court agreed regarding Dr. Aljindi’s Fifth Amendment takings claim, determining that he did not provide the minimum required factual allegations in his complaint to support this claim. *See* SAppx. 8. Dr. Aljindi argues on appeal, as he did in his complaint, that the Department of Defense “has stolen illegally and without giving him credit” his intellectual property related to information security, artificial intelligence, and legacy information systems, thus “invok[ing] the Fifth Amendment.” Appellant’s Br. 9. While we must accept all “non-conclusory allegations of fact” in Dr. Aljindi’s complaint as true, *Samish Indian Nation v. United States*, 419 F.3d 1355, 1364 (Fed. Cir. 2005), here, Dr. Aljindi’s one-sentence factual allegation regarding his intellectual property theft is too conclusory to support a Fifth Amendment takings claim. We agree with the trial court that Dr. Aljindi’s “allegations are not facially plausible without factual

allegations about what the property consisted of, how it was taken, and what the government did with it.” SAppx. 3.⁴

We note, however, that Dr. Aljindi mentioned “copyrights law[] violations” in the relief section of his complaint. SAppx. 9. As the Government stated in its trial brief, and we agree, this can be liberally construed as a copyright infringement claim over which the Court of Federal Claims would have jurisdiction. *See* 28 U.S.C. § 1498(b) (“[W]hen-ever the copyright in any work protected under the copy-right laws of the United States shall be infringed by the United States, . . . the exclusive action which may be brought for such infringement shall be an action by the copy-right owner against the United States in the Court of Federal Claims[.]”). Because the trial court has jurisdiction over this claim, we vacate-in-part the court’s dismissal. We remand for the court to consider the Government’s position that Dr. Aljindi’s complaint fails to state a claim for copyright infringement, that is, that he has failed to identify sufficient facts in his complaint supporting this claim.

Next, we consider Dr. Aljindi’s claims of judicial misconduct, which the Court of Federal Claims dismissed for lack of jurisdiction. As the trial court correctly explained, it does not have the authority to review allegations of misconduct by judges from a different court (e.g., the Central

⁴ We note that even if Dr. Aljindi’s complaint alleged additional facts, the Court of Federal Claims would lack jurisdiction to decide his Fifth Amendment takings claim based on his continued assertion that the Government stole his intellectual property “without his permission.” Appellant’s Br. 9. As we explained in *Shelden v. United States*, the Court of Federal Claims “lacks jurisdiction over takings claims in which the petitioner asserts the subject taking was not authorized.” 742 F. App’x 496, 501 (Fed. Cir. 2018).

District of California) or a different circuit (e.g., the Ninth Circuit). SAppx. 2; *see also* Rules for Judicial-Conduct and Judicial-Disability Proceedings 7(a)(1)⁵ (“Where to Initiate Complaint”: “a complaint against a judge of a United States court of appeals, a United States district court, a United States bankruptcy court, or a United States magistrate judge must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office”).

Finally, in his brief on appeal, Dr. Aljindi also alleges that “his unique case involves” retaliation. Appellant’s Br. 4. He provides numerous allegations concerning retaliation by various federal agencies (as well as the Government’s attorneys) in his reply brief. *See, e.g.*, Appellant’s Reply Br. 6–10. Dr. Aljindi did not identify retaliation as one of his causes of action in his complaint. “[E]ven with the leniency afforded to *pro se* litigants, issues not raised before the [Court of Federal Claims] are waived on appeal.” *Mone v. United States*, 766 F. App’x 979, 986 (Fed. Cir. 2019). Dr. Aljindi’s claims of retaliation are therefore waived because he failed to raise them at the trial court.

CONCLUSION

For these reasons, we affirm-in-part and vacate-in-part the decision of the Court of Federal Claims.⁶ On remand,

⁵ https://www.uscourts.gov/sites/default/files/judicial_conduct_and_disability_rules_effective_march_12_2019.pdf.

⁶ On January 10, 2022, Dr. Aljindi filed a motion to expedite his appeal. ECF No. 14. We denied that motion on February 1, 2022, informing Dr. Aljindi that he “may self-expedite his appeal by filing his reply brief early,” ECF No. 16. Dr. Aljindi filed a second motion to expedite his appeal on March 21, 2022. ECF No. 23. We deny this second motion to expedite as moot because this opinion and

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the court should consider whether Dr. Aljindi's complaint contains the minimum required factual allegations to support a claim of copyright infringement.

**AFFIRMED-IN-PART, VACATED-IN-PART, AND
REMANDED**

COSTS

No costs.

accompanying judgment resolve the merits of Dr. Aljindi's appeal.

**United States Court of Appeals
for the Federal Circuit**

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2022-1117

Appeal from the United States Court of Federal Claims
in No. 1:21-cv-01295-SSS, Judge Stephen S. Schwartz.

JUDGMENT

THIS CAUSE having been considered, it is

ORDERED AND ADJUDGED:

**AFFIRMED-IN-PART, VACATED-IN-PART, AND
REMANDED**

FOR THE COURT

May 10, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

**United States Court of Appeals
for the Federal Circuit**

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2022-1117

Appeal from the United States Court of Federal Claims
in No. 1:21-cv-01295-SSS, Judge Stephen S. Schwartz.

MANDATE

In accordance with the judgment of this Court, entered May 10, 2022, and pursuant to Rule 41 of the Federal Rules of Appellate Procedure, the formal mandate is hereby issued.

FOR THE COURT

July 1, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2022-1117

Appeal from the United States Court of Federal Claims
in No. 1:21-cv-01295-SSS, Judge Stephen S. Schwartz.

**ON PETITION FOR PANEL REHEARING AND
REHEARING EN BANC**

PER CURIAM.

O R D E R

Ahmad Aljindi filed a combined petition for panel rehearing and rehearing en banc. The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

FOR THE COURT

June 21, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

APPENDIX B

In the United States Court of Federal Claims

No. 21-1295C

(Filed: October 15, 2021)

NOT FOR PUBLICATION

AHMAD ALJINDI,

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Plaintiff,

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v.

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THE UNITED STATES,

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Defendant.

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OPINION AND ORDER

Plaintiff, proceeding pro se, claims that the federal government has harmed him through (1) “employment discrimination,” (2) “theft of Plaintiff’s intellectual property,” and (3) “negligence and tort, based on the conduct described in the first two causes of action.” Compl. at 2 (ECF 1). He also refers to an alleged course of judicial misconduct in lawsuits before other courts. *Id.* Defendant’s motion to dismiss for lack of subject-matter jurisdiction and failure to state a claim is ripe for decision.¹ For the reasons described below, the motion is **GRANTED**.

This Court’s subject-matter jurisdiction — its authority to pass judgment on the cases before it — is limited to specific types of claims against the federal government, most commonly claims for money as provided by the Tucker Act. *See, e.g.*, 28 U.S.C. § 1491(a)(1); *see also Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997) (“The Court of Federal Claims is a court of limited jurisdiction.”). Perhaps confusingly for pro se litigants, it is not a forum for “federal claims” generally. Claims outside the Court’s jurisdiction must be dismissed. RCFC 12(h)(3). The matters raised in Plaintiff’s complaint are not among the subjects this Court may address.²

¹ *See* Def.’s Mot. to Dismiss (ECF 8); Pl.’s Opp. (ECF 9); Def.’s Reply (ECF 12). Plaintiff has also filed a motion for summary judgment (ECF 10). The motion for summary judgment is a substantively verbatim copy of Plaintiff’s opposition brief, and the government has not filed a response.

² “In determining jurisdiction, a court must accept as true all undisputed facts asserted in the plaintiff’s complaint and draw all reasonable inferences in favor of the plaintiff.” *Trusted Integration, Inc. v. United States*, 659 F.3d 1159, 1163 (Fed. Cir. 2011) (citing *Henke v. United States*, 60 F.3d 795, 797 (Fed. Cir. 1995)). “Although a *pro se* plaintiff’s complaint is held to a less stringent standard than those prepared by counsel, *pro se* litigants are not excused from meeting jurisdictional requirements.”

Plaintiff's opposition to the motion to dismiss clarifies that his lawsuit does not in fact rest on discrimination, theft, or tort, but on the alleged judicial misconduct. See Pl.'s Opp. at 2. In a separate case Plaintiff brought against the United States, the U.S. District Court for the Central District of California dismissed three causes of action resembling those mentioned in Plaintiff's present complaint. See Nov. 23, 2020 Order (ECF 82) & Feb. 16, 2021 Order (ECF 108), *Aljindi v. United States*, No. 8:20-cv-00796 (C.D. Cal.) The U.S. Court of Appeals for the Ninth Circuit dismissed Plaintiff's appeal as frivolous. See Aug. 16, 2021 Order, *Aljindi v. United States*, No. 21-55166 (9th Cir.). Plaintiff now claims that he has been denied relief to which he was entitled in his previous case because he refused to offer the district judge a bribe. See Pl.'s Opp. at 2. He argues that other courts have mishandled several of his lawsuits in a variety of ways, *id.* at 3–4, 6–14,³ and that his claims for judicial misconduct have been unfairly rejected, *id.* at 5.

Claims of judicial corruption are exceptionally serious matters. But this Court lacks authority to review allegations of misconduct by judges on another court. See 28 U.S.C. §§ 351, 363; Rules for Judicial-Conduct and Judicial-Disability Proceedings 7(a)(1). Nor does this Court have the power to review decisions of the Central District of California or the Ninth Circuit. See, e.g., *Innovair Aviation Ltd. v. United States*, 632 F.3d 1336, 1344 (Fed. Cir. 2011) (explaining that the Court of Federal Claims “does not have jurisdiction to review the decision of district courts and cannot entertain ... claim[s] that require[] the court to scrutinize the actions of another tribunal”) (internal quotes omitted); *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994) (holding that the Court of Federal Claims “does not have jurisdiction to review the decisions of district courts ... relating to proceedings before those courts”); *Earl v. United States*, 787 F. App'x 751, 752 (Fed. Cir. 2019) (“[T]he Claims Court is without jurisdiction to scrutinize the actions of another tribunal.”). Plaintiff thus may not pursue his judicial misconduct theories in this Court.

Insofar as Plaintiff alleges that the judicial misconduct involved criminal conduct or torts, this Court lacks jurisdiction for other reasons. This Court “has no jurisdiction over criminal matters[.]” *Jones v. United States*, 440 F. App'x 916, 918

Spengler v. United States, 688 F. App'x 917, 920 (Fed. Cir. 2017) (citations omitted) (citing *Hughes v. Rowe*, 449 U.S. 5, 9 (1980), and *Kelley v. Sec'y, U.S. Dep't of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987)).

³ Plaintiff misunderstands the significance of some of the events he describes. For example, Mr. Aljindi asserts that the United States “conceded ... wrongdoing” in the Supreme Court. See Pl.'s Opp. at 3. In fact the United States simply waived its response to Plaintiff's petition for certiorari, which the Supreme Court denied. See *Aljindi v. United States*, No. 19-7708 (U.S.), *cert. denied*, Apr. 6, 2020, *rehearing denied*, Jun. 1, 2020. The government made no substantive concession by waiving a response, and in fact prevailed in the Supreme Court when Plaintiff's petition was denied.

(Fed. Cir. 2011). This Court also lacks jurisdiction over claims “sounding in tort.” See 28 U.S.C. § 1491(a)(1); *Brown*, 105 F.3d at 623 (citing *Keene Corp. v. United States*, 508 U.S. 200, 214 (1993)).

Finally, although Plaintiff appears to disclaim the three causes of action mentioned in his Complaint, see Pl.’s Opp. at 2, those claims would have to be dismissed in any event. As just mentioned, this Court lacks jurisdiction over tort claims, including negligence and theft. Even assuming Plaintiff meant to allege a Fifth Amendment taking of his intellectual property, his allegations are not facially plausible without factual allegations about what the property consisted of, how it was taken, and what the government did with it. See *Scott v. United States*, 134 Fed. Cl. 755, 764 (2017). The government correctly notes that this Court lacks jurisdiction over federal employment discrimination cases as well. See *Taylor v. United States*, 310 F. App’x 390, 393 (Fed. Cir. 2009) (“Because Title VII vests jurisdiction over discrimination claims exclusively in the district court, the Court of Federal Claims cannot exercise jurisdiction over those claims.”); see also *Horne v. Dep’t of Agric.*, 569 U.S. 513, 527 (2013) (explaining that a “comprehensive remedial scheme” can displace kinds of claims that would otherwise fall within this Court’s jurisdiction).

For the foregoing reasons, Defendant’s Motion to Dismiss is **GRANTED** and the case is **DISMISSED**, without prejudice, for lack of jurisdiction. See *Aerolineas Argentinas v. United States*, 77 F.3d 1564, 1572 (Fed. Cir. 1996) (“[I]n the absence of subject matter jurisdiction there can be no preclusive findings or conclusions on the merits, and dismissal for lack of jurisdiction is without prejudice.”). Plaintiff’s motion for summary judgment (ECF 10) is **DENIED**. Plaintiff’s Application to Proceed *In Forma Pauperis* (ECF 2) is **GRANTED**.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

s/ Stephen S. Schwartz
STEPHEN S. SCHWARTZ
Judge

In the United States Court of Federal Claims

**No. 21-1295C
(Filed: October 15, 2021)**

AHMAD ALJINDI

Plaintiff

v

JUDGMENT

THE UNITED STATES

Defendant

Pursuant to the court's Opinion And Order, filed October 15, 2021, granting defendant's motion to dismiss,

IT IS ORDERED AND ADJUDGED this date, judgment entered, pursuant to Rule 58, that plaintiff's complaint is dismissed without prejudice for lack of subject-matter jurisdiction.

Lisa L. Reyes
Clerk of Court

By: *Anthony Curry*
Deputy Clerk

NOTE: As to appeal to the United States Court of Appeals for the Federal Circuit, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$505.00.

APPENDIX C

In the United States Court of Federal Claims

No. 21-1578C

Filed: August 30, 2021

DR. AHMAD ALJINDI,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

OPINION AND ORDER

TAPP, Judge.

Plaintiff Dr. Ahmad Aljindi (“Dr. Aljindi”), appearing *pro se*, filed his Complaint on July 14, 2021, raising two sets of claims. (Compl., ECF No. 1). The first set of claims pertain to a separate lawsuit in the Central District of California. (Compl.); *see also Aljindi v. United States*, Case No. 8:20-cv-00796 (C.D. Cal. 2021) (“*Aljindi IV*”). They involve allegations of corruption, abuse of power, bribery, and obstruction of justice by various government officials. The second set of claims relate to Dr. Aljindi’s application for an Economic Injury Disaster Loan (“EIDL”) from the Small Business Administration (“SBA”). Along with his Complaint, Dr. Aljindi also filed an application to proceed *in forma pauperis* (IFP). (Mot., ECF No. 2); *see* 28 U.S.C. § 1915. Because this Court cannot review the decisions of other federal courts, and because the SBA has not made a final determination on Dr. Aljindi’s loan application, the Court dismisses these claims for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted.

I. Background

On April 24, 2020, Dr. Aljindi filed a lawsuit in the Central District of California, bringing claims of employment discrimination, negligence, tort, intellectual property, and copyright infringement. *See Aljindi IV*, Doc. No 1. Dr. Aljindi’s complaint named 12 defendants representing different federal agencies; he claimed those individuals had discriminated against him by not offering him an employment position with the federal government. *Id.* In that complaint, Dr. Aljindi also raised claims of theft of intellectual property and copyright infringement, asserting that the named federal agencies published his scientific work without his consent. *Id.*

That lawsuit was far from Dr. Aljindi’s first attempt to litigate these claims. The District Court had dismissed Dr. Aljindi’s employment discrimination claims as frivolous three times before he filed his latest lawsuit in California. In dismissing the first case containing these

allegations on January 8, 2019, the District Court noted that Dr. Aljindi's complaint "contain[ed] little more than confusing, and at times unintelligible, delusional, and/or fantastic, stream-of-consciousness rambling" and was "patently insufficient to state any rational, much less plausible, claim for relief." *Aljindi v. United States*, Case No. 8:18-cv-02301, Doc. No. 8 (C.D. Cal. Jan. 8, 2019) ("*Aljindi I*"). Soon after, on July 25, 2019, Dr. Aljindi filed another action which the District Court dismissed for similar reasons. *Aljindi v. United States*, Case No. 8:19-cv-01434, Doc. No. 8 (C.D. Cal. Aug. 5, 2019) ("*Aljindi II*") (finding Dr. Aljindi's complaint as "similarly infirm" as his previous complaint in *Aljindi I*); *see also Aljindi v. United States*, Case No. 19-55926, Doc. No. 13 (9th Cir. Sept. 16, 2019) (appeal dismissed as frivolous). Unswayed, Dr. Aljindi filed yet another identical case on January 2, 2020, which the District Court again summarily dismissed. *Aljindi v. United States*, Case No. 8:20-cv-00002, Doc. No. 13 (C.D. Cal. Jan. 24, 2020) ("*Aljindi III*") (dismissed on the same ground as *Aljindi I* and *II*); *see also Aljindi v. United States*, Case No. 20-55111 (9th Cir. Aug. 7, 2020) (appeal dismissed as frivolous).

In his latest related attempt before the California District Court, Dr. Aljindi, dissatisfied with the District Court's management of his case, sought on three separate occasions to disqualify the presiding judge. *Aljindi IV*, Doc. Nos. 21, 25, 72. His requests were referred, duly reviewed, and found to be groundless on all three occasions. *Id.* Doc. Nos. 24, 27, 80. On two of these occasions, Dr. Aljindi asked the Ninth Circuit to review the denial of his motion to disqualify the presiding judge, and the Circuit denied his appeals both times. *Aljindi IV*, Doc. Nos. 53 and 69. The District Court then ultimately dismissed Dr. Aljindi's case again on February 16, 2021. *Id.* Doc. No. 108. After Dr. Aljindi appealed the District Court's final decision yet again, and after the Ninth Circuit dismissed that appeal yet again, he initiated two more lawsuits in this Court. *Id.* Doc. No. 115.¹ This Court also finds that Dr. Aljindi is not entitled to relief.

II. Analysis

A. Lack of Subject-Matter Jurisdiction

Determining the Court's jurisdiction over the claim is a threshold inquiry in every case. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94–95 (1998). In reviewing whether the Court has subject-matter jurisdiction over a claim, the Court will take the undisputed facts alleged in the complaint as true. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). RCFC 12(h)(3) dictates that, if at any time, the Court finds that it lacks subject-matter jurisdiction over a case it "must dismiss" the case.

This Court's jurisdiction is rooted in the Tucker Act, and that Act allows the Court to hear cases that involve non-tort claims seeking monetary damages against the United States. 28 U.S.C. § 1491(a)(1). The Tucker Act, however, is merely a jurisdictional statute, and does not independently create a cause of action. Therefore, a proper claim before the Court must arise from another money-mandating source of law—whether it be a constitutional provision, a statute, a regulation, or an express or implied contract with the United States. *Loveladies Harbor, Inc. v.*

¹ Dr. Aljindi's second case before this Court raises the same claims as *Aljindi IV*. *See Aljindi v. United States*, Case No. 21-1295.

United States, 27 F.3d 1545, 1554 (Fed. Cir. 1994). Dr. Aljindi's claims do not have a nexus to any such sources. Therefore, the Court must dismiss the claims for lack of subject-matter jurisdiction.

In his first set of claims, Dr. Aljindi asks the Court to review the "Judicial Scandal" that was *Aljindi IV*. (Compl. at 3). Dr. Aljindi raises allegations of bribery, fraud, and obstruction of justice that he asserts implicate both the presiding judge and the government attorneys. (*Id.*). But this Court's jurisdiction does not extend to claims that invite review of state or district court decisions. *Innovair Aviation Ltd. v. United States*, 632 F.3d 1336, 1344 (Fed. Cir. 2011); *Rohland v. United States*, 136 Fed. Cl. 55, 66 (2018) (Court of Federal Claims does not have jurisdiction to entertain collateral attacks on decisions of state courts and federal district courts).

The Court is mindful that complaints drafted by *pro se* litigants invite a more lenient review from the Court, with an eye towards providing these litigants with the same opportunity at justice had they been represented by attorneys. *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). If the Court interprets Dr. Aljindi's claims generously, it can assume that he is not necessarily asking the Court to overturn other courts' decisions but to instead investigate the actions of the officials involved in rendering those decisions. However, even under that interpretation, claims of obstruction of justice, improper influencing of official proceedings, fraud, deceit, false statements, perjury and other similar offenses against federal officials do not fall within the Court's jurisdiction. *See Brown v. United States*, 105 F.3d 621, 624 (Fed. Cir. 1997) (the Tucker Act's jurisdictional grant does not extend to cases "against individual federal officials"); *Hicks v. United States*, 118 Fed. Cl. 76 (2014). Furthermore, the Court finds that many of Dr. Aljindi's claims are rooted in the criminal code. *See e.g.*, 18 U.S.C. §§ 371–373 (Conspiracy to commit offense or to defraud United States), 1501–1521 (Obstruction of justice), 201 (Bribery of public officials and witnesses). These claims also run afoul of the Court's jurisdictional mandate by asking the Court to adjudicate criminal violations. *See Joshua v. United States*, 17 F.3d 378, 379 (Fed. Cir. 1994). For these reasons, the Court lacks subject-matter jurisdiction to review any of the claims in relation to Dr. Aljindi's litigation in the Central District of California.

B. Failure to Exhaust Administrative Remedies

Dr. Aljindi also requests relief for what he claims is the SBA's abuse of power in denying his application for an EIDL. Even if SBA's EIDL decisions are reviewable, the Court will not stand in judgment of agency decisions until they are final. In other words, a plaintiff must show that all administrative remedies have been exhausted before seeking relief from the Court. *Myers v. Bethlehem Shipbuilding Corp.*, 303 U.S. 41, 50–51 (1938) (holding that "no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted."); *Straw v. United States*, Fed. Appx. , 2021 WL 3440773 at *4 (Fed. Cir. Aug. 6, 2021) (Court of Federal Claims cannot review the SBA's denial of Paycheck Protection Program loan application until a final agency decision is reached).

Here, nothing in the record suggests that the SBA officials reached a final decision as to Dr. Aljindi's eligibility for the EIDL. The record establishes that after receiving Dr. Aljindi's application, the SBA notified him on May 6th, 2021, that his application had failed one qualification criteria: proving that his business had been established after January 31, 2020. (Compl., Ex. B). The SBA letter, nonetheless, notified him that he may still be eligible for the loan if he were to provide the requisite records rectifying that deficiency. (*Id.*). On May 26, Dr. Aljindi submitted a reconsideration request to the SBA's Disaster Assistance Processing and Disbursement Center ("DAPDC"). (*Id.*). On July 7th, the DAPDC Reconsideration Team notified Dr. Aljindi that they were unable to review his

request for reconsideration until he provided them with additional records, including his “2019 year tax returns” and his “IRS Tax Form 4506-T for Applicant Business.” (*Id.*). The DAPDC Reconsideration Team indicated that the information could simply be attached to the same email and returned to the same address for further processing. (*Id.*). Dr. Aljindi has submitted no evidence that he assisted the SBA officials in making a final reconsideration decision by either forwarding the requested documents or providing further explanation as to their content.

Furthermore, even if the DAPDC Reconsideration Team had issued a final decision affirming the denial, Dr. Aljindi could still have other administrative remedies available to him before seeking judicial review. EIDL loans are administered under the disaster loan programs authorized by the Small Business Act, 15 U.S.C. 636(b). SBA regulations of section 636(b) set out the procedures for reviewing denials of loan applications, including the option to appeal the DAPDC’s final determination to the DAPDC Director for a final decision. *See* 13 CFR § 123.13 (“What happens if my loan application is denied?”).

Strong adherence to the doctrine of exhaustion of administrative remedies allows administrative agencies to perform functions that they are particularly competent in. *Sandvik Steel Co. v. United States*, 164 F.3d 596, 600 (Fed. Cir. 1998) (the exhaustion doctrine allows federal agencies to make a factual record, to apply their expertise, and to correct their own errors as to issues that would be moot judicial controversies.). Most importantly, because judicial review requires a commitment of time and resources, the doctrine of exhaustion protects judicial economy and efficiency against abusive litigants that refuse to cooperate in the administrative process or fully pursue their administrative remedies before initiating legal action. *See Itochu Bldg. Prods. v. United States*, 733 F.3d 1140, 1145 (2013). Because Dr. Aljindi has not availed himself of the administrative remedies available to him with regards to his SBA claims, he has failed to state a claim upon which relief can be granted. *See* RCFC 12(b)(6).

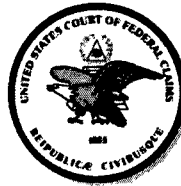
C. Application to Proceed In Forma Pauperis

RCFC 77.1(c) mandates prepayment of certain fees for appearing before the Court. In certain circumstances, the Court can, but is not required to, allow a party to proceed without paying the requisite fees if they demonstrate financial hardship. 28 U.S.C. § 1915(a)(1). As the Supreme Court has noted, the courts have an important oversight role in ruling on IFP motions because “a litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits.” *Neitzke v. Williams*, 490 U.S. 319 (1989). Following that guidance, this Court has previously denied requests to proceed IFP to those *pro se* plaintiffs who had demonstrated a pattern of filing numerous frivolous actions in federal courts. *Perales v. United States*, 133 Fed. Cl. 417, 418 (2017); *Resendez v. United States*, 96 Fed. Cl. 283, 287 (2010). As noted, Dr. Aljindi appears before this Court with claims that are “strikingly similar” to claims that other federal courts have found to be frivolous on several occasions. *Grant v. United States*, 129 Fed. Cl. 790, 792-93 (2017). Based on Dr. Aljindi’s history of vexatious and duplicative litigation, the Court finds that he is not entitled to a waiver of the filing fee. Accordingly, Dr. Aljindi’s IFP Application is denied.

III. Conclusion

For the stated reasons, the plaintiff's Motion to Proceed *in forma pauperis* is **DENIED**, and this matter is **DISMISSED** for lack of subject-matter jurisdiction pursuant to RCFC 12(h)(3) and for failure to state a claim upon which relief can be granted. The Court further **CERTIFIES** that any appeal from this decision would not be taken in good faith. *See* 28 U.S.C. § 1915 (a)(3). The Clerk is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.



David A. Tapp

DAVID A. TAPP, Judge

In the United States Court of Federal Claims

No. 21-1578 C

Filed: August 30, 2021

DR. AHMAD ALJINDI

v.

JUDGMENT

THE UNITED STATES

Pursuant to the court's Opinion and Order, filed August 30, 2021,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that plaintiff's complaint is dismissed for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted.

Lisa L. Reyes
Clerk of Court

By: *Debra L. Samler*

Deputy Clerk

NOTE: As to appeal to the United States Court of Appeals for the Federal Circuit, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$505.00.

APPENDIX D

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2022-1118

Appeal from the United States Court of Federal Claims
in No. 1:21-cv-01578-DAT, Judge David A. Tapp.

O R D E R

The appellant having failed to pay the docketing fee required by Federal Circuit Rule 52(a)(1) within the time permitted by the rules, it is

ORDERED that the notice of appeal be, and the same hereby is, DISMISSED, for failure to prosecute in accordance with the rules.

All pending motions are denied as moot.

FOR THE COURT

December 29, 2021

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

ISSUED AS A MANDATE: December 29, 2021

APPENDIX E

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 16 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 19-55926

D.C. No.

8:19-cv-01434-DOC-E

Central District of California,
Santa Ana

ORDER

Before: WARDLAW, NGUYEN, and HURWITZ, Circuit Judges.

Upon a review of the record and the response to the court's August 19, 2019 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 2), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

DISMISSED.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 31 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 19-55926

D.C. No.

8:19-cv-01434-DOC-E

Central District of California,
Santa Ana

ORDER

Before: WARDLAW, NGUYEN, and HURWITZ, Circuit Judges.

The motion for reconsideration en banc (Docket Entry No. 9) is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11. The motion for reconsideration (Docket Entry No. 10) and emergency motion (Docket Entry No. 14) are denied.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 08 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et
al.,

Defendants - Appellees.

No. 19-55926

D.C. No. 8:19-cv-01434-DOC-E
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered September 16, 2019, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Rhonda Roberts
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX F

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 7 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 20-55111

D.C. No. 8:20-cv-00002-DOC-E
Central District of California,
Santa Ana

ORDER

Before: SCHROEDER, HAWKINS, and LEE, Circuit Judges.

The district court certified that this appeal is frivolous and denied appellant leave to proceed on appeal in forma pauperis. *See* 28 U.S.C. § 1915(a). On February 4, 2020, this court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record and the responses to the February 4, 2020 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 2) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

All other pending motions are denied as moot.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 29 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et
al.,

Defendants - Appellees.

No. 20-55111

D.C. No. 8:20-cv-00002-DOC-E
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered August 07, 2020, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Quy Le
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX G

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 23 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 20-55688

D.C. No.

8:20-cv-00796-PSG-DFM

Central District of California,

Santa Ana

ORDER

Before: THOMAS, Chief Judge, SCHROEDER and CALLAHAN, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the orders challenged in the appeal are not final or appealable. *See* 28 U.S.C. § 1291; *United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge is not final or appealable); *see also Branson v. City of Los Angeles*, 912 F.2d 334, 336 (9th Cir. 1990) (denial of reconsideration of non-appealable order is itself not appealable). Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 25 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 20-55688

D.C. No.

8:20-cv-00796-PSG-DFM

Central District of California,
Santa Ana

ORDER

Before: THOMAS, Chief Judge, SCHROEDER and CALLAHAN, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 4) is denied. *See*
9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 05 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et
al.,

Defendants - Appellees.

No. 20-55688

D.C. No. 8:20-cv-00796-PSG-DFM
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered July 23, 2020, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Nixon Antonio Callejas Morales
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX H

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 16 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 21-55166

D.C. No. 8:20-cv-00796-PSG-DFM
Central District of California,
Santa Ana

ORDER

Before: SCHROEDER, TASHIMA, and HURWITZ, Circuit Judges.

Upon a review of the record and the response to the court's June 16, 2021 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 7), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 08 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AHMAD JAMALEDDIN ALJINDI,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et
al.,

Defendants - Appellees.

No. 21-55166

D.C. No. 8:20-cv-00796-PSG-DFM
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered August 16, 2021, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Rebecca Lopez
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX I

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DR. AHMAD J. ALJINDI,

Plaintiff,

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

Case No. SACV 18-2301 SJO(JC)

ORDER (1) DENYING MOTION FOR
LEAVE TO FILE UNDER SEAL
(DOCKET NO. 2) AND UNSEALING
CASE; (2) DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(DOCKET NO. 3); (3) DENYING
REQUEST TO PROCEED IN FORMA
PAUPERIS (DOCKET NO. 6) AND
DISMISSING ACTION WITHOUT
PREJUDICE; AND (4) DENYING
APPLICATION FOR ELECTRONIC
FILING (DOCKET NO. 5)

On December 28, 2018, plaintiff Dr. Ahmad J. Aljindi, who is at liberty and is proceeding *pro se*, filed a document entitled "Complaint for Employment Discrimination" ("Complaint") naming as defendants the United States of America, and multiple federal officials in their official capacities. Plaintiff concurrently filed a Motion for Leave to File under Seal ("Motion to Seal"), a Motion for Appointment of Counsel ("Motion for Counsel"), a Request to Proceed in Forma Pauperis ("IFP Request"), and an Application for Permission for Electronic Filing ("Application for Electronic Filing"). The case is currently under seal.

///

1 IT IS HEREBY ORDERED:

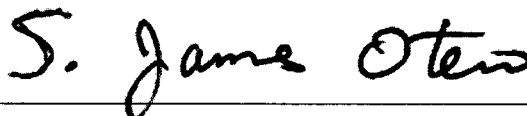
2 1. The Motion to Seal is DENIED, and the case is ORDERED unsealed.
3 Plaintiff has neither identified a statute, rule, regulation, or prior court order which
4 expressly provides for filing the instant action under seal, nor submitted a
5 declaration which establishes good cause or demonstrates any other compelling
6 reason why the strong presumption of public access in civil cases should be
7 overcome in the instant case. See Local Rule 79-5.2.1(a).

8 2. The Motion for Counsel is DENIED. There is no constitutional right
9 to appointed counsel in a civil case. See Storseth v. Spellman, 654 F.2d 1349,
10 1353 (9th Cir. 1981). Pursuant to 28 U.S.C. § 1915(e), the Court has discretionary
11 power to request an attorney to represent a party who is unable to afford counsel.
12 However, if plaintiff is seeking an order for an attorney to represent plaintiff
13 without compensation, 28 U.S.C. § 1915(e) does not authorize federal courts to
14 make coercive appointments of counsel. See Mallard v. U.S. Dist. Court for
15 Southern Dist. of Iowa, 490 U.S. 296, 310 (1989); United States v. 30.64 Acres of
16 Land, 795 F.2d 796, 801 (9th Cir. 1986). If plaintiff is seeking funds from the
17 Court to pay counsel, “[t]he Supreme Court has declared that ‘the expenditure of
18 public funds [on behalf of an indigent litigant] is proper only when authorized by
19 Congress. . . .’” Tedder v. Odel, 890 F.2d 210, 211 (9th Cir. 1989), citing United
20 States v. MacCollom, 426 U.S. 317, 321 (1976). Congress has not provided funds
21 to pay counsel secured under 28 U.S.C. § 1915(e). See 30.64 Acres of Land, 795
22 F.2d at 801. Hence, the Court treats plaintiff’s Motion for Counsel as a request for
23 the Court to request an attorney to represent plaintiff without compensation. After
24 an evaluation of both “‘the likelihood of success on the merits [and] the ability of
25 the [plaintiff] to articulate [his] claims *pro se* in light of the complexity of the legal
26 issues involved,’” see Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986),
27 the Court finds that the exceptional circumstances which are necessary to grant the
28 Motion for Counsel do not appear to exist at this time.

1 3. The IFP Request is DENIED and this action is dismissed without
2 prejudice. The Complaint contains little more than confusing, and at times
3 unintelligible, delusional, and/or fantastic, stream-of-consciousness rambling
4 which is patently insufficient to state any rational, much less plausible, claim for
5 relief. See generally Neitzke v. Williams, 490 U.S. 319, 325, 328 (1989) (In
6 Forma Pauperis complaint frivolous if “so defective [] should never have been
7 brought”), superseded by statute on other grounds as noted in Lopez v. Smith, 203
8 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc); Denton v. Hernandez, 504 U.S. 25,
9 32-33 (1992) (court may dismiss complaint as frivolous where allegations are
10 “fanciful,” “fantastic,” “delusional,” “irrational or [] wholly incredible”),
11 superseded in part by statute on other grounds as noted in Walp v. Scott, 115 F.3d
12 308, 309 (5th Cir. 1997); In re Thomas, 508 F.3d 1225, 1226-27 (9th Cir. 2007)
13 (court may dismiss in forma pauperis action as frivolous when complaint recites
14 “bare legal conclusions with no suggestion of supporting facts or postulat[es]
15 events and circumstances of a wholly fanciful kind”) (citations and internal
16 quotation marks omitted), cert. denied, 552 U.S. 1261 (2008); Jackson v. State of
17 Arizona, 885 F.2d 639, 641 (9th Cir. 1989) (finding “totally incomprehensible”
18 claim frivolous), superseded by statute on other grounds as stated in Lopez, 203
19 F.3d at 1130; see, e.g., Fallon v. United States Government, 2007 WL 80795, *1
20 (N.D. Cal. 2007) (denying IFP request and dismissing action as frivolous where
21 complaints were “unintelligible and appear[ed] to be grounded on fantastic or
22 delusional scenarios”); cf. McHenry v. Renne, 84 F.3d 1172, 1178 (9th Cir. 1996)
23 (complaint subject to dismissal if cannot sufficiently determine “who is being sued,
24 for what relief, and on what theory”).

25 4. In light of the foregoing, the Application for Electronic Filing is moot,
26 and is therefore DENIED.

27 DATED: January 8, 2019



HONORABLE S. JAMES OTERO
UNITED STATES DISTRICT JUDGE

APPENDIX J

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DR. AHMAD J. ALJINDI,

CASE NUMBER

SA CV 19-01434-DOC(Ex)

v.

PLAINTIFF(S)

UNITED STATES OF AMERICA, et al.,

ORDER RE REQUEST TO PROCEED
IN FORMA PAUPERIS

DEFENDANT(S)

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the Request to Proceed *In Forma Pauperis* be DENIED for the following reason(s):

- ☐ Inadequate showing of indigency
☒ Legally and/or factually patently frivolous
☒ Other: See Attachment.

- ☐ District Court lacks jurisdiction
☐ Immunity as to _____

Comments: See Attachment.

Date

United States Magistrate Judge

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby:

- ☐ GRANTED
☒ DENIED (see comments above). IT IS FURTHER ORDERED that:
☐ Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.
☒ This case is hereby DISMISSED immediately.
☐ This case is hereby REMANDED to state court.

August 5, 2019

Date

David O. Carter

United States District Judge DAVID O. CARTER

ATTACHMENT

NO. SA CV 19-1434-DOC (Ex)

Plaintiff has submitted a forty-page proposed "Complaint for Employment Discrimination" against the United States of America, the Secretary of Defense, the Acting Secretary of the Department of Homeland Security, the United States Attorney General, the Acting Secretary of the Air Force, the Secretary of the Navy, the Secretary of Veterans Affairs, the Director of National Intelligence, the NASA Administrator and the Acting Administrator of the Small Business Administration. The confused, conclusory and rambling allegations of the proposed Complaint are difficult to decipher. However, it does appear that Plaintiff alleges he is an "AI scientist and researcher" whose intellectual property was stolen by the Department of Defense and whose many efforts to obtain federal employment have all been unsuccessful. Plaintiff allegedly has submitted "thousands" of employment applications to various federal agencies over the years. Plaintiff apparently attributes his lack of success in obtaining federal employment to supposed discrimination on the basis of race, religion and national origin, as well as to alleged retaliation.

The proposed Complaint contains a list of "violations"

including, among other things, alleged "abuse of authority," "mismanagement," "[f]raud, forgery and fabricating formal documents," "[s]pying on [Plaintiff] illegally," "[a]dministrative corruption," "[i]ntentional waste and improper usage of the federal funds," "[w]orking on increasing the destabilization over the nation [sic] and undermining the prestige of the nation and American values," "Practicing and spreading the fascism," "[i]ntentional increase of the sectarianism differences [sic] and the hate between the American people," "Working against the benefit of the national security and keeping the national security at risk as they are intentionally preventing the proven scientific knowledge illegally from serving the United States", and "[t]he highest treason to the oath, the Constitution, and the United States." Plaintiff seeks an order requiring him to be given "A GS-13 job, full-time, permanent position at the FBI, within Southern California (Orange County), As an: a) Intelligence Analyst (IA); or b) Management and Program Analyst; or c) Any related and/or identical researching and/or analyzing position based on the FBI's needs and as deemed appropriate by the Honorable Court. . . ." Plaintiff also appears to seek \$300,000 for every "EEO complaint" which Plaintiff allegedly filed with a federal agency, back-pay at a GS-13 pay grade from July 2016, relocation expenses, protection from reprisal, and

expungement of Plaintiff's "Eviction and Bankruptcy records."

The present proposed Complaint is substantially similar to a complaint filed by Plaintiff in this Court in Aljindi v. United States of America, SA CV 18-2301-SJO (JC). On January 8, 2019, the Court denied Plaintiff's request for leave to proceed in forma pauperis in the previous action, finding the proposed complaint in that action to be frivolous, unintelligible, delusional and "patently insufficient to state any rational, much less plausible, claim for relief." The present proposed Complaint is similarly infirm. See 28 U.S.C. § 1915; Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 327-38 (1989). Under the circumstances, leave to amend would be futile.

APPENDIX K

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DR. AHMAD J. ALJINDI,

CASE NUMBER

SA CV 20-00002-DOC(Ex)

PLAINTIFF(S)

v.

UNITED STATES OF AMERICA, et al.,

ORDER RE REQUEST TO PROCEED
IN FORMA PAUPERIS

DEFENDANT(S)

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the Request to Proceed *In Forma Pauperis* be DENIED for the following reason(s):

- ☐ Inadequate showing of indigency
☒ Legally and/or factually patently frivolous
☒ Other: See Attachment.

- ☐ District Court lacks jurisdiction
☐ Immunity as to _____

Comments: See Attachment.

Date

United States Magistrate Judge

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby:

- ☐ GRANTED
☒ DENIED (see comments above). IT IS FURTHER ORDERED that:
☐ Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.
☒ This case is hereby DISMISSED immediately.
☐ This case is hereby REMANDED to state court.

January 24, 2020

Date

David O. Carter David O. Carter
United States District Judge

ATTACHMENT

NO. SA CV 20-0002-DOC(Ex)

Plaintiff has submitted a thirty-four-page proposed "Complaint for Employment Discrimination, Intellectual Property Violations and Negligence and Tort." Plaintiff purports to assert claims against the United States of America, the Secretary of Defense, the Acting Secretary of the "Department of Homeland Security, United States Customs and Border Protection," the United States Attorney General, the Secretary of the Air Force, the Acting Secretary of the Navy, the Secretary of Veterans Affairs, the Acting Director of National Intelligence, the NASA Administrator, the Acting Administrator of the Small Business Administration and the Postmaster General.

The proposed Complaint is confused and conclusory. Plaintiff alleges he is an "Artificial Intelligence (AI) researcher" whose intellectual property purportedly was stolen by the Department of Defense and whose many efforts to obtain federal employment assertedly have all been unsuccessful (Proposed Complaint, pp. 3-4). Plaintiff alleges that, despite Plaintiff's "thousands" of job applications, hiring officials assertedly chose less qualified candidates (id., pp. 12, 16).

Plaintiff attributes his lack of success in obtaining federal employment to supposed discrimination on the basis of race, religion and national origin, as well as to alleged retaliation (id., pp. 3, 7, 16-23). Plaintiff allegedly "has suffered massively and is still currently suffering massively to death from the ongoing negligence and tort" (id., p. 5). The proposed Complaint contains few facts supporting these assertions, for the most part providing merely a list of a large number of "EEO" complaints Plaintiff assertedly has filed over the years.

Plaintiff alleges that Defendants' actions prevented Plaintiff "from securing himself a stable job based on his formal qualifications and skills fairly and equally as set forth by the United States Constitution such as ongoing sever [sic] poverty, divorce, evictions, bankruptcy, homelessness, stress, discomfort and extreme emotional pain" (id., p. 25). Plaintiff further alleges Defendants caused injuries to Plaintiff's character, reputation and credit standing (id.). Plaintiff allegedly is unable to eat more than once a day due to Defendants' alleged wrongdoing (id.).

Plaintiff alleges Defendants violated various federal statutes including the "No Fear Act," Title VII of the Civil

Rights Act of 1964, the Civil Service Reform Act of 1972 and the Whistleblower Protection Act of 1989 (id., pp. 23-24). Plaintiff also appears to alleged unspecified constitutional claims (id.).

Plaintiff seeks \$300,000 for "every single EEO complaint" which Plaintiff allegedly filed with a federal agency, in the total sum of \$32.7 million (id., p. 32). Plaintiff also seeks "Maximum monetary Constitutional compensations for the negligence, tort, and intellectual property and copyrights laws [sic] violations as formally documented and as deemed appropriate by the Honorable Court" (id.). Plaintiff also seeks an order expunging or sealing "the two evictions and the bankruptcy of the aggrieved Plaintiff's public records. . . ." (id., p. 33).

The present proposed Complaint is substantially similar to two complaints previously submitted by Plaintiff to this Court: (1) Aljindi v. United States of America, SA CV 18-2301-SJO (JC), filed December 28, 2018; and (2) Aljindi v. United States of America, SA CA 19-1434-DOC (E), filed July 25, 2019. On January 8, 2019, the Court in Aljindi v. United States of America, SA CV 18-2301-SJO (JC), denied Plaintiff's request for leave to proceed in forma pauperis, finding the proposed complaint in that action to be frivolous, unintelligible, delusional and "patently

insufficient to state any rational, much less plausible, claim for relief." On August 5, 2019, the Court in Aljindi v. United States of America, SA CA 19-1434-DOC (E), denied Plaintiff's request to proceed in forma pauperis, finding the proposed complaint in that action to be similarly infirm.

Plaintiff appealed the Court's order in Aljindi v. United States of America, SA CA 19-1434-DOC (E). On September 16, 2019, the United States Court of Appeals for the Ninth Circuit denied Plaintiff's motion to proceed in forma pauperis on appeal on the ground that the appeal was frivolous. On December 31, 2019, the Ninth Circuit denied Plaintiff's motion for reconsideration.¹ The Ninth Circuit's mandate issued on January 8, 2020. The proposed Complaint contains allegations that the Ninth Circuit's decision was "based on a serious Court error while [Plaintiff] was suffering to death. . . ." (Proposed Complaint, p. 5). Plaintiff alleges that he read the Ninth Circuit's order while Plaintiff was in a hospital emergency room, assertedly due to severe chest and heart pain purportedly caused by the Defendants' alleged wrongdoing (id., p. 6).

¹ Plaintiff signed the proposed Complaint in the present action on January 2, 2020.

The present proposed Complaint is infirm for the reasons stated in the Court's orders denying Plaintiff's requests to proceed in forma pauperis in Aljindi v. United States of America, SA CV 18-2301-SJO (JC), and Aljindi v. United States of America, SA CA 19-1434-DOC (E). See 28 U.S.C. § 1915; Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 327-38 (1989). Under the circumstances, leave to amend would be futile.

Plaintiff's "Motion for Leave to File Under Seal," "Motion Requesting Appointment of Counsel" and "Written Application for Emergency Relief Under Local Rule 77-1" are denied.

APPENDIX L

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES - GENERAL

Case No. SACV 20-796 PSG (DFMx) Date February 16, 2021
Title Ahmad J. Aljindi v. United States of America, et al.

Present: The Honorable Philip S. Gutierrez, United States District Judge
Wendy Hernandez Not Reported
Deputy Clerk Court Reporter
Attorneys Present for Plaintiff(s): Attorneys Present for Defendant(s):
Not Present Not Present

Proceedings (In Chambers): The Court GRANTS Defendants' motion to dismiss

Before the Court is a motion to dismiss filed by Defendants United States of America, William P. Barr, Barbara M. Barrett, Megan J. Brennan, Jim Bridenstine, Jovita Carranza, Mark T. Esper, Richard A. Grenell, James E. McPherson, Paul M. Nakasone, Robert Wilkie, and Chad F. Wolf ("Defendants"). *See generally* Dkt. # 100 ("Mot."). Plaintiff Dr. Ahmad J. Aljindi ("Plaintiff") opposed. *See generally* Dkt. # 103 ("Opp."). Defendants replied. *See generally* Dkt. # 107 ("Reply"). The Court finds the matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b); L.R. 7-18. Having read and considered the moving, opposing, and reply papers, the Court **GRANTS** Defendants' motion to dismiss.

On November 23, 2020, the Court granted Defendants' motion to dismiss Plaintiff's original complaint with leave to amend. *See generally* Dkt. # 82. The Court instructed that, if Plaintiff chose to file an amended complaint,

(1) he must adequately allege all of the elements of each of his claims and the legal basis of such claims with sufficient supporting facts; (2) for his employment discrimination claim, he must plead that he administratively exhausted each instance of alleged discrimination upon which he bases his claim, and he must offer supporting facts or documentation; (3) he must allege that he administratively exhausted any claims purportedly brought under the FTCA or explain why such exhaustion was not necessary; and (4) if he intends to continue pursuing a single case against all Defendants in this action, he must allege how the claims against each of the sixteen individual federal Defendants arise out of related transactions and how common questions of law or fact exist.

Id. at 3.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 20-796 PSG (DFMx) Date February 16, 2021
Title Ahmad J. Aljindi v. United States of America, et al.

Here, Plaintiff did not heed the Court's instructions regarding amendment, and therefore the FAC must be dismissed. Besides being largely identical to previous filings, Plaintiff's amended complaint continues to rely on unspecified portions of thousands of pages of exhibits as the "facts" supporting his allegations. *See FAC 6:7-20* (claiming that "[t]he aggrieved Plaintiff did exhaust the administrative process completely," referencing seventeen declarations amounting to more than 13,000 pages of documents). The Court has repeatedly warned Plaintiff that relying on unspecified portions of these documents is insufficient. *See, e.g., Dkt. # 82 at 3* ("Plaintiff has not cited the Court to anything in the 112 exhibits he attached to his opposition, which contain more than 10,000 pages, that substantiates any of these contentions."); *Dkt. # 52 at 3* ("The Court treats Plaintiff's citation to the entirety of his evidence as no citation at all, and therefore finds that his motion is unsupported by evidence.").

Accordingly, the Court **GRANTS** Defendants' motion to dismiss the FAC. And because Plaintiff has repeatedly shown that he will not heed the Court's warnings or follow its instructions regarding the sufficiency of his claims, the Court **DENIES** leave to amend as futile. *See Sisseton-Wahpeton Sioux Tribe v. United States*, 90 F.3d 351, 355 (9th Cir. 1996). This order closes the case.

IT IS SO ORDERED.

APPENDIX N

Mr. President Joe Biden,

This is Dr. AHMAD ALJINDI. I wrote to you on 02/02/2021 about the judicial officers, government attorneys, and public officials' corruption. I formally demanded your immediate legal interference in your official capacity to end the ongoing radically extreme and malicious hate crimes, the deprivation of rights under the color of law, the obstruction of justice, judicial coup, and corruption. However, you did not respond to me, and you also did not take official action regarding the intentional and systemic human and civil rights, abuse, and torture I am suffering from for years. As a result, I suffered more during this last year and a half and since my last formal correspondence to you from additional corrupt judicial officers, government attorneys, and public officials. Recently, the U.S. Court of Appeals for the Federal Circuit (Chief Judge Kimberly A. Moore & others) abused my 2 appeals 22-1118 & 22-1118 and coordinated secretly and illegally with the government attorneys (Igor Helman & his superiors) after those attorneys did the same manipulations in the lower Court before the appeals in the U.S. Court for Federal Claims. I exposed their scandals in Supreme Court Case # 21-6181 during the appeals. The Government conceded the wrongdoing, but the Supreme Court covered the corruption and the hate crimes again, as they did the same in Case 19-7708 in the past. The Federal Circuit vacated in part and remanded to the Federal Claims; however, Judge Stephen S. Schwartz is escalating the hate crimes and the deprivation of rights under color of law and is retaliating because I exposed his wrongdoing in Supreme Court Case # 21-6181 mentioned above. I sent my legal documents to the Court's Clerk's Office, however, the Clerk's Office delayed it till he issued a malicious order to schedule the corrupt attorneys' Motion to Dismiss. They have reviewed my Motion for Summary Judgment for the vacated part on remand and knew that I will prevail according to the law, justice, and evidence. Today, the Clerk's Office filed one of the documents I have filed with the Court. However, to obstruct justice, later today, the Court crossed the document and noted it as "Filed in Error." The Court did not file my documents because this corrupt judge is obstructing justice and coordinating with the corrupt attorneys so they can prevail maliciously, retaliatory, and so they can steal the remaining of my Constitutional Relief as they have stolen most of it already. I reported these crimes to the Department of Justice (DOJ) Office of Inspector General (OIG) and the FBI yesterday. However, the FBI and the OIG abused my reports and coordinated the wrongdoing with the judge today as the Court deleted my document after my reports and is currently refusing to file my submitted documents in a blatant coup against the United States Constitution. The FBI and the OIG did the same in the past with all formal reports I have submitted with evidence about public corruption. I hold the United States AG, I hold the United States AG, the Director of the FBI, and the DOJ's IG in their personal and official capacities accountable for the escalation in the wrongdoing as they are responsible for defending justice and upholding the United States Constitution. A few days ago, the AG was speaking in front of Congress and claiming that no one is above the law in the United States. Therefore, I formally demand the AG's, FBI's Director, and DOJ's IG's resignations for their failure in their missions in defending the United States of America and upholding the United States Constitution.

Dr. AHMAD ALJINDI



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

August 24, 2022

Ahmad Aljindi
P.O. Box 60753
Irvine, CA 92602

RE: Judicial Misconduct Complaints Nos.: FC-22-90024, FC-22-90025, FC-22-90026, FC-22-90027, FC-22-90028, FC-22-90029, FC-22-90030, FC-22-90031, FC-22-90032, FC-22-90033, FC-22-90034, FC-22-90035, FC-22-90036, and FC-22-90037

Dear Mr. Aljindi:

This will acknowledge receipt on August 11, 2022, of your Complaints of Judicial Misconduct under Rule 8(d) of the Rules for Judicial Conduct and Judicial Disability Proceedings.

FOR THE COURT

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court